

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
<p>HAROLD G. WHITEIS, a sole proprietor, d/b/a Motor Sports of Tulsa,</p> <p>Plaintiff,</p> <p>vs.</p> <p>YAMAHA INTERNATIONAL CORPORATION, A corporation,</p> <p>Defendant.</p>	<p>For plaintiff:</p> <p>Otto Pluess, III Murray Cohen 217 North Harvey Oklahoma City, Oklahoma 73102 (405) 232-3591</p> <p>For defendant:</p> <p>D. E. Hammer ⁵⁸³⁻¹⁷⁷⁷ R. B. McDermott (918) 587-0145 1300 National Bank of Tulsa Bldg. Tulsa, Oklahoma 74103</p> <p>Mori and Katayama 250 East First Street, Suite 900 Los Angeles, California 90012 (213) 626-7701 624-7621</p> <p>Joe Sharp & Joe Glass Suite 200, Franklin Bldg. Tulsa, Okla. 74103 (582-8877)</p>

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 9-1-72	Clerk	8-2-72	Boesche...	15.00	
		8-3-72	C.D.No.6		15 00
		12/11/74	Hammer	5.00	
J.S. 6 mailed 12-1-74	Marshal	12-12-74	C/D #26		5 00
		12/18/74	Cohen	5.00	
		12-19-74	C/D #27		5 00
Basis of Action: Removal: Money Judgment.	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-2-72	Petition for Removal, filed. v	
8-2-72	Removal Bond, filed. Yamaha Int'l. Corp.-principal: Aetna Casualty-Surety:	
8-2-72	Notice of Removal, filed. v in the sum of \$500.00.	
8-7-72	Certificate of proceedings had in state court, filed, w/attachs. rm	
8-7-72	Certificate of service of petition for removal on Clerk of D.C. of Tulsa Cty, filed. rm	
8-7-72	Application of def. for ext. of time to answer, filed. rm	
8-7-72	Order extending time to answer to 8/22/72. (JCS-Acting Clk)rm	
8-22-72	Answer, filed. rm	
9-8-72	Parties directed to hold pre-trial prior to 10-18-72 and file pre-trial order not later than 10-25-72. (AEB-J)hm	
10-3-72	Deposition of Harold G. Whiteis, taken before Ruth E. Potts, CSR, on 9-19-72, in Tulsa, Okla., with fees of \$56.00, filed. v	
10-18-72	Pltf's suggested pre-trial order, filed. hm	
1-10-73	Case set for disposition 1-16-73 at 10:00 a.m. (AEB-J)hm	
1-16-73	Case called for disposition for failure of def. to file proposed pre-trial order. Parties present. At request of parties, they are granted until 1-22-73 in which to file pre-trial order. (AEB-J)h	
1-22-73	Pre-trial order filed. (AEB-J)h	
12-11-73	Minute Order: It is ordered that this case is set for non-jury trial on Monday, 1-14-74 at 10:00 A.M. (AEB-J)e	
1-14-74	Case called for non-jury trial and passed to 2:00 p.m. 1-15-74. (AEB-J)hm	
1-15-74	Minute Order: It is ordered that this case is set for non-jury trial on Jan. 16, 1974 at 10:00 a.m. (AEB-J)e	
1-16-74	Non-Jury trial held. Parties present. Parties announce ready. Pltf. makes opening statement. Case continued to 1-17-74 at 10:00 a.m. (AEB-J)e	
1-17-74	Case called on docket. Court announces case stricken, to be re-set at a later date. (AEB-J)e	
1-23-74	Appl. for protective order, filed. v copy to MC	
1-23-74	Brief in support, filed. v copy to MC	
2-1-74	Ordered by the Court that Defts. are granted 10 days from this date to respond to Plaintiff's Appl. for Protective order filed on 1-23-74. (AEB-J)v	
2-4-74	Response to Appl. for protective order & memorandum in opposition thereto, filed. v	
2-4-74	Notice to take depositions upon oral examination of Johnny Isaacs, Larry Murphy, and Randall E. Daley, filed. v	
2-14-74	Request for production of Documents, filed.s	
2-14-74	Notice to Take Depositions upon oral Examination, filed.s	
2-21-74	Pltf's Application to Stay Taking of Depositions, filed. e	

CONTINUED

D. C. 110A Rev. Civil Docket Continuation

Sheet No. 2, Page 3

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-22-74	Minute Order: IT IS ORDERED that the depositions noticed by defendant to be taken in California on February 26, 1974, at 9:30 A.M. are stayed pending further order of the Court. (AEB-J)e	
6-7-74	Depositions of Johnny Isaacs, Larry Murphy and Randall Daley on behalf of deft., filed. (\$335.00)	
8-19-74	Case set for non-jury trial on 11-11-74, at 9:30 A.M. (AEB-J) b	
9-6-74	Order, filed, overruling pltf's appl. for protective order, directing parties to exchange names of any additional witnesses 20 days prior to trial, any additional documents to be submitted to opposing counsel 20 days prior to trial; and deft. to pay expenses of pltf's counsel for traveling and reasonable atty. fee for deposition taken by deft. of witness for use at trial. (AEB-J)g	
9-25-74	Notice of pltf. to take depositions upon oral exam., filed.jj	
10-15-74	Reporter-s transcript (clerk's copy) of opening statement of pltf. had on 1/16/74, filed. (Larry Marks, CR) rm	
10-22-74	Notice to take deposition upon oral examination, filed. hm	
10-22-74	Trial Brief of Deft., filed.jj	
10-22-74	MO: IT IS ORDERED by the Court that this case is transferred to Judge Howard C. Bratton for Non-Jury Trial on 11-11-74 at 9:30 A.M. (AEB-J)v -notices mailed.	
11-8-74	Deposition of Geo. E. Proctor on behalf of deft., filed. (\$52.)g	
11-11-74	Pltf's Memo. Brief on Damages, filed.	
11-11-74	Pltf's Reply to Deft's Trial Brief, filed.jj	
11-11-74	Non-jury trial held before Howard C. Bratton on Nov. 11 & 12. Pltf. present & represented by Murray Cohen & Robert Unruh; deft. present by Luther Hudson & represented by D. E. Hammer & R. B. McDermott. Case in chief presented on 11-11 and 11-12. Closing arguments made. Court gives oral findings of fact and conclusions of law and finds for the Plaintiff in the sum of \$100,000.00 for his loss of profits as the result of the wrongful termination of the agreement between the parties. Deft. to pay costs. Clerk to prepare order. (HCB-J) (K.R.Garcia, Dep. Clerk; Margaret Wilkins-CSR)hm	
11-12-74	Trial exhibits, filed. hm	
11-13-74	Judgment filed and entered that pltf. recover judg. against the deft. Yamaha Int. Corp. in the sum of \$100,000 plus int. at the rate of 6% per annum from date of this judgment until paid and that pltf. recover of deft. his costs of action. (HB-J)jj	
11-14-74	Transcript of Decision of the Court, filed. b	
11-18-74	Bill of Costs, filed, in the amount of \$963.60. 1m Cost Hearing set at 10:00 on 11-22-74.	

DATE	PROCEEDINGS	Date Order or Judgment Note
11-20-74	Cost hearing held before Clerk. Parties rep. by counsel of record. Costs taxed in amt. of \$864.00. (JCS-Clk)rm	
12-3-74	Stipulation in, of & to Appellate proceedings, filed. k	
12-11-74	Notice of appeal by def. from judg. of 11/13/74, filed. rm (copies to USCA and all counsel)	
12-17-74	Bond for costs on appeal of pltf. (\$250 cash), filed. rm	
12-18-74	Notice of cross appeal by pltf. from portions of final judgment of 11/13/74 re failure of ct. to award atty. fees and punitive damages, filed. rm (copies to USCA and Counsel)	
12-19-74	Motion of def. counsel for leave to withdraw as counsel, and entry of appearance of Jue Sharp & Joe Glass as counsel, for def., filed. rm	
12-19-74	Order granting leave of def. counsel to withdraw, filed. (HCB-J)rm-copies md	
1-2-75	Supersedeas bond and bond for costs on appeal in sum of \$120,250, filed; Yamaha Internatl. Corp. and The Continental Insurance Co., filed. g	
1-20-75	Order, filed, extending for filing and docketing appeal to 2/4/75, (HCB-J)rm - copies to USCA and counsel	
1-31-75	Letters, filed, between Ct. and pltf. counsel re whether ct. can award 10% int. on judg. and Ct. advising out of his jurisdiction. (HCB-J)rm	
2-4-75	Order, filed, extending time for filing and docketing appeal to 2/18/75. (HCB-J) - copies to counsel and USCA	
2-19-75	Transcript of trial proceedings (Vol. I) of non-jury trial proceedings held on 11/11/74, filed. (Margaret Wilkins-CR)rm	
2-19-75	Transcript of trial proceedings (Vol. II) of non-jury trial proceedings held on 11/12/74, filed. (Margaret Wilkins-CR) rm	
2-20-75	Order, filed, extending time for filing and docketing appeal to 3/1/75. (HCB-J)rm-copies to USCA & counsel	
2-21-75	Appeal record (8 vols.) transmitted to USCA.rm	
2-24-75	Certified copy of Order of USCA partially remanding case to District Court for further proceedings on pltf. appl. for amendment of judg. to include 10% interest in conformance with Okla. law; that upon conclusion of proceedings, a suppl. record shall be certified to appeal court and 21 days thereafter, def.-appellant's brief shall be due, filed and spread of record. rm	
2-26-75	Vol. I of appeal record received from USCA. rm	
2-28-75	Order Nonc Pro Tunc, filed; that judg. of 11/13/74 is amended nunc pro tunc to provide int. on judg. at 10% from date of judg, until pd, and judg. otherwise remains in full force and effect. (HCB-J)rm	
3-3-75	Suppl. Record No. 1 on appeal transmitted to USCA. rm	
4-22-76	Mandate and Opinion of USCA, filed and spread of record, reversing Court's decision as to holding it could not award atty. fees. In all other respects, judg. of ct. affirmed. Case remanded for determination of reasonable fees for pltf. counsel. rm	

(continued)

BRATTON

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>72-C-260</u>
Whiteis		Yamaha	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
4-26-76		Correspondence received from parties and Judge Bratton, re defer of ruling on atty. fees until after June 10, 1976. rm	
5-6		Appeal record (8 vols. and suppl. record) rec'd from USCA. g	
7-19		Copy of letter from 10th Circuit that petition for writ of cert. to Supreme Court was filed on 7/12/76 and assigned No. 76-36, filed. rm	
10-26-76		Copy of letter received from 10th Circuit that petition for writ of cert. to Supreme Court was denied on 10/4/76. rm	
12-1		Application of pltf. counsel to set atty fee, filed. rm	
12-1		Memo. brief in support of appl. to set atty fees, filed. rm	
12-1	MO:	Hearing held in chambers on pltf. appl. for atty fees, pursuant to Mandate of USCA. Statements made. Court takes matter under advise-ment. Def. presents motion to vacate judgment, pursuant to Rule 60(b) pltf. directed to respond by 12/10/76. Ct. will then make ruling. (Howard C. Bratton-J)rm	
12-1		Motion of def. to vacate judgment, w/affidavit and exhibits, filed. rm	
12-6		Response ^{of} to pltf's motion to vacate judgment, filed. lm <i>file to HCB</i>	
12-8		Order, filed and entered, that ptlf. counsel is awarded attys fees of \$50,000, said amt to be added on to judg. against def. (HCB-J)rm-copies mailed	
12-9		Order, filed and entered, that def. motion to vacate judgment is denied. (HCB-J)rm-copies mailed	
<u>1977</u>			
1-3		Pltf's application to release cash bond, filed. s <i>OK to ...</i>	
1-6		Release and satisfaction of judgment, filed. ph	
1-7		Order to Release Cash Bond, filed. (AEB-J)b <i>copy med w/ jch</i>	

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
-----------	-----------	---

PAGE _____ OF _____ PAGES

NR.

PROCEEDINGS